

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 1:02cr30

FREDERICK W. HARRIS, II,
Defendant.

ORDER/OPINION

On the 8th day of November 2006, came the defendant, Frederick W. Harris, II, in person and by his counsel, Brian J. Kornbrath, and also came the United States by its Assistant United States Attorney, David Godwin, pursuant to a Petition for Action on Conditions of Pretrial Release filed in this case on September 21, 2006, alleging Defendant:

- 1) Violated the Mandatory Condition that he not commit another federal, state or local crime;
 - 2) Violated the Mandatory Condition that he not illegally possess a controlled substance;
 - 3) Violated Standard Condition No. 2 that he report to the probation officer and submit a truthful and complete written report within the first five days of each month;
 - 4) Violated Standard Condition No. 7 that he refrain from excessive use of alcohol and not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
 - 5) Violated Standard Condition No. 11 that he notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer; and
 - 6) Violated Standard Condition No. 12 that he not enter into any agreement to act as an informer or a special agent for a law enforcement agency without the permission of the Court.
- Prior to the taking of evidence, counsel for Defendant waived the preliminary hearing,

conceding probable cause existed to forward this revocation matter to Chief United States District Judge Irene M. Keeley for hearing and disposition.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated the conditions of his pretrial release as alleged in the Petition for Action on Conditions of Pretrial Release filed September 21, 2006.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Irene M. Keeley, Chief United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Action on Conditions of Pretrial Release filed September 21, 2006.

Defendant then moved the court to permit him to remain on release in the third-party custody of his mother, pending the full hearing before the District Judge. The government objected to Defendant's release. For reasons stated on the record, Defendant's motion for release pending hearing before or decision by Judge Keeley is **DENIED**.

It is therefore **ORDERED** that Defendant be remanded to the custody of the United States Marshal pending further proceedings in this matter.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: November 8, 2006

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE